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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,409	09/26/2006	Ernst Murthum	3827.152	9228
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EXAMINER				
CHIN, RANDALL E				
ART UNIT		PAPER NUMBER		
3723				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/594,409

**Applicant(s)**

MURTHUM ET AL.

**Examiner**

Randall Chin

**Art Unit**

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-50 is/are pending in the application.
- 4a) Of the above claim(s) 23-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37, 43, 44 and 50 is/are rejected.
- 7) ☒ Claim(s) 38-42 and 45-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)  
Paper No(s)/Mail Date 03122007

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group III, claims 37-50, in the reply filed on 22 January 2010 is acknowledged.
2. Claims 23-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 22 January 2010.

### *Specification*

3. The substitute specification filed 26 September 2006 has been entered.
4. The disclosure is objected to because of the following informalities:  
Paragraph [0013], line 3, "show in Fig. 2" should read --shown in Fig. 2--.  
Paragraph [0014], line 5, what exactly is "this location" referring to?  
Paragraph [0015], line 5, it appears "hollow space 35" should read --hollow space 36--. Also, note numeral 35 is not shown in the drawings.  
Paragraph [0015], line 12, the phrase "...the diameter of the hose 34 in the radially inwards..." is grammatically improper.  
Appropriate correction is required.

***Claim Objections***

5. Claims 41, 42 and 47-49 are objected to because of the following informalities:

Claim 41, line 3, "the pipeline" lacks proper antecedent basis.

Claim 42, line 2, the recitation "...a preferably multi-layer textile or fabric" is awkwardly written.

Claim 47, line 1, "the sleeve" lacks proper antecedent basis.

Claim 48, line 1, "the sleeve" lacks proper antecedent basis.

Claim 48, line 3, "the pipeline" lacks proper antecedent basis.

Claim 49, line 2, the recitation "...a preferably multi-layer textile or fabric" is awkwardly written.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 37, 43, 44 and 50 are rejected under 35 U.S.C. 102(a) as being anticipated by EP 1 325 994 (hereinafter EPO '994).

As for claim 37, EPO '994 discloses in Figs. 1-3 a squeeze valve 10 insertable upon an end-hose of a thick matter delivery line having an end-hose 12, the end-hose including a jacket pipe of elastomeric material (paragraph [0018]), the squeeze valve 10

adapted for the at least partial closure of the end-hose by narrowing the internal width of or for closing the end-hose upon detection of a change in consistency of the material situated in a section of the thick matter delivery pipe (paragraph [0018]), wherein said squeeze valve 10 includes a hose 24, 26 of an elastomeric material enclosing a ring-shaped hollow space 28 (paragraph [0016]), which hose includes an inlet and outlet opening at gas port 30 for filling and emptying the hollow space with a gas under pressure (paragraph [0017]), and a ring-shaped jacket defined by casing 16 made up of bands 18, 20, 22 receiving the hose on its inside, which jacket prevents expansion of the hose in the radially outwards direction.

As for claim 43, there is a valve 32 is provided in the inlet and outlet opening at 30 (Fig. 3; paragraph [0017]).

As for claim 44, EPO '994 teaches in Figs. 1-3 a squeeze valve 10 insertable upon an end-hose 12 of a thick matter delivery line (paragraph [0018]), said squeeze valve 10 including a hose 24, 26 of an elastomeric material enclosing a ring-shaped hollow space 28 (paragraph [0016]), said hose including an inlet and outlet opening at gas port 30 for filling and emptying the hollow space with a gas under pressure, and a ring-shaped jacket defined by casing 16 made up of bands 18, 20, 22 receiving the hose on its inside, which jacket prevents expansion of the hose in the radially outwards direction.

As for claim 50, there is a valve 32 is provided in the inlet and outlet opening at 30 (Fig. 3; paragraph [0017]).

***Allowable Subject Matter***

8. Claims 38-42 and 45-49 define allowable subject matter.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Randall Chin/  
Primary Examiner, Art Unit 3723

